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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Sicurelli Jr. et al.  
Ser. No.: 09/990,932  
Filed: November 21, 2001  
Art Unit: 3732  
Examiner: John J. Wilson  
Title: Flexible Post In A Dental Post and Core System

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Amendment Under 37 C.F.R. §1.111

This Response addresses the Office Action dated April 13, 2004 (Paper No. 41204) and the Notice of Non-Compliant Amendment dated September 13, 2004.

Please extend the time to respond one month from October 13, 2004 until Monday November 15, 2004.

The Commissioner is authorized to charge any fees (small entity) associated with this communication to the undersigned's Deposit Account number 23-0120.

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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING SECOND APPLICATION

IN RE APPLICATION OF: Robert J. Sicurelli, Jr. and Samuel Masyr

APPLICATION NO.: to be assigned

FILED: November 21, 2001

FOR: FLEXIBLE POST IN A DENTAL POST AND CORE SYSTEM

The owner Tru-Flex Post Systems, Inc. of 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of Applicant's U.S. patent nos. 5,741,139, 5,915,970 and 5,919,044 as well as prior to any statutory term for any patent granted under application serial no. 09/296,159, which application is still pending. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the aforementioned patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

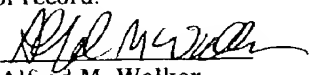
For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.) the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.

-OR-

X The undersigned is an attorney of record.

November 21, 2001

  
Alfred M. Walker  
Reg. No. 29,983

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